

## **ORDINANCE NO. 2001-06**

### **TOWN OF BROOKLYN GREEN LAKE COUNTY, WISCONSIN**

#### **AN ORDINANCE REGULATING THE LOCATION, CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS AND CULVERTS IN THE PUBLIC RIGHT-OF-WAY**

**WHEREAS**, the Town of Brooklyn is a municipality which has adopted village powers pursuant to Wisconsin Statutes, Section 60.10 (2) (c); and

**WHEREAS**, the Town is experiencing significant development in both suburban and rural areas which is creating more vehicular traffic on public roadways and additional stormwater runoff; and

**WHEREAS**, the Town has the responsibility to regulate the location of driveways, culverts and other improvements in the public right-of-way in order to protect the public health and safety; and

**WHEREAS**, uniformity in size and elevation of driveway access culverts is necessary to maintain an adequate natural flow of drainage waters and protect the public roadways;

**NOW, THEREFORE**, the Town Board of Supervisors of the Town of Brooklyn does ordain as follows:

#### **SECTION 1. APPLICATION FOR PERMIT.**

Prior to the installation of any driveway or culvert in the Town of Brooklyn right-of-way, the property owner or the owner's agent shall apply in writing to the Town of Brooklyn for a permit to place such driveway and culvert. Application shall include the location, length and width of the driveway along with the elevation of placement, intended diameter and length of the culvert. A check, in the amount of twenty-five (25) dollars payable to the "Town of Brooklyn" shall accompany the completed application.

If the culvert is installed without an approved permit, a fine of five hundred (500) dollars will be assessed by the Town Board. If the Town Board determines the size and/or length of a culvert, installed without a permit, to be inappropriate, the landowner shall remove the culvert within thirty (30) days and install a culvert of the correct specifications. Upon failure to do so, the Town will remove the existing culvert and install a culvert to the correct specifications. The landowner will be billed for costs associated with removal and installation.

## **SECTION 2. DRIVEWAY LOCATION.**

1. Driveways shall be located so as to not create a safety hazard for vehicles traveling on the roadway, or vehicles exiting or entering the property. The Town Board shall determine the permitted location for driveways with consideration given to the road's classification, topography, linear/curvilinear roadway attributes and posted travel speed. Driveways shall be located to permit a safe distance from a vehicle at the driveway entrance to see an approaching vehicle and to have adequate time to exit or enter the driveway safely, and for an approaching vehicle to clearly see a vehicle on the driveway and safely stop.
2. Driveways shall be placed at the following minimum distances from intersections:

<b>TYPE OF INTERSECTION</b>	<b>MINIMUM DISTANCE FROM CENTERLINE OF INTERSECTION</b>
Intersections Involving State or County Highways	Minimum of one hundred fifty (150) feet
Intersections Involving Town Roads	Minimum of seventy five (75) feet

3. The angle of approach between the centerline of the driveway and the centerline of the road shall be approximately ninety (90) degrees.
4. There shall be a minimum distance of twenty (20) feet between successive driveways.

## **SECTION 3. DRIVEWAY AND CULVERT CONSTRUCTION STANDARDS.**

1. Unless an exception is granted by the Town Board, all driveways shall be constructed with a culvert placed so as to permit the free and unobstructed flow of surface water past the driveway. No driveway shall be constructed in a manner that would interfere with the drainage of roads or ditches.
2. The following specifications shall apply to driveway and culvert construction, however, the diameter and length of said culvert shall also be compatible to the unique requirements of the area in which it is to be installed, and subject to approval of a member of the Town Board:

<b>APPLICATION</b>	<b>SPECIFICATION REQUIREMENTS</b>
Driveway Road Surface Width	Minimum of fourteen (14) feet
Driveway Width Clearance	Minimum of twenty (20) feet
Driveway Height Clearance (free of trees, wires, etc.)	Minimum of eighteen (18) feet
Driveway Grade	Maximum ten (10) percent grade at right-of-way
Culvert Length	Minimum of twenty (20) feet
Culvert Diameter	Minimum of sixteen (16) to eighteen (18) inches, determined at the discretion of the Town
Culvert Material	Culvert material shall be galvanized steel.

#### **SECTION 4. OTHER IMPROVEMENTS**

1. Mailboxes, paper boxes or similar repositories may be placed in the public right-of-way provided its front edge is no closer than twenty-four (24) inches to the pavement edge of the road.
2. Other permanent installations, such as entrance gates, pillars, etc. shall not be placed in the public right-of-way. Such installations shall comply with the minimum driveway width and height clearances shown in Section 3 of this Ordinance.

#### **SECTION 5. APPROVAL OF PERMIT.**

Upon receipt of an application, any member of the Town Board shall review the application and personally examine the proposed location, if such examination is deemed necessary. The location, dimensions and elevation of the proposed driveway and culvert shall be approved in writing prior to installation. Such approval may be granted by any one of the Town Board of Supervisors, however, if not approved within five (5) days, application may be submitted to the Clerk for action by the entire board at the next regular Town Board Meeting.

#### **SECTION 6. MAINTENANCE REQUIREMENTS.**

The property owner shall be responsible for the maintenance of the flow of drainage water and to keep the ditches and culvert in the right-of-way unobstructed. In the event of a flood or conditions likely to result in damage to the roadway or danger in road travel, the Town Board may authorize removal of obstructions or replacement of the culvert and hold the property owner responsible for payment of any such expense incurred.

## **SECTION 7. BILLING AND PAYMENT PROCEDURE.**

Any costs outlined in above Sections 1 and 6, shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within sixty (60) days of the date of the bill. The failure to pay the bill within sixty (60) days will result in interest being charged at the rate of one (1) percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than ninety (90) days as of November 1st of any year shall become a lien against the real estate for which the work was performed and shall be placed on the tax roll as a delinquent special charge pursuant to Wisconsin Statutes, Section 66.0703.

## **SEVERABILITY.**

If any section of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

## **EFFECTIVE DATE.**

This Ordinance shall repeal and replace Ordinances Numbers 89-01 and 2000.02 of the Town of Brooklyn, Green Lake County. This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

## **ADOPTION**

The above and forgoing Ordinance was duly adopted by the Town Board of the Town of Brooklyn, at a meeting held on the 14th day of August, 2001 by a vote of 3-0.

TOWN OF BROOKLYN

By:

\_\_\_\_\_  
Roger Ladwig 8-14-01  
Chairperson

Attest:

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Marian Mildebrandt 8-14-01  
Clerk